

STEPHANIE M. HINDS (CABN 154284)
Acting United States Attorney

HALLIE HOFFMAN (CABN 210020)
Chief, Criminal Division

MOLLY K. PRIEDEMAN (CABN 302096)
Assistant United States Attorney

1301 Clay Street
Oakland, California 94612
Telephone: (510) 637-3680
FAX: (510) 637-3724
molly.priedeman@usdoj.gov

Attorneys for United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 21-CR-00009 YGR
Plaintiff,)	
v.)	UNITED STATES' SENTENCING
)	MEMORANDUM
CHRISTOPHER BRUCE,)	Hearing Date: October 28, 2021
Defendant.)	Time: 9:00 am
)	Judge: Hon. Yvonne Gonzalez Rogers

I. INTRODUCTION

On January 7, 2021, the government filed one-count indictment charging the defendant Christopher Bruce with a violation of 18 U.S.C. 922(g)(2)- Felon in Possession of Ammunition. Mr. Bruce is scheduled to appear for a joint Change of Plea Hearing and Sentencing on October 28, 2021.

The government respectfully does not give a specific recommendation with respect to the appropriate term of imprisonment.

II. BACKGROUND

A. Offense Conduct

On November 5, 2021, at approximately 11:30 pm, officers initiated a traffic stop on a reported

1 stolen vehicle driven by Mr. Bruce. PSR ¶ 6. Mr. Bruce was given multiple commands to exit the
 2 vehicle before he complied, and was subsequently placed in handcuffs. *Id.* A search of the vehicle
 3 revealed a shaved-down “jingle” key in the ignition, a large bag that contained two one-pound bags of
 4 suspected marijuana, a locked metal briefcase, a counterfeit \$100 bill, and one shell casing. *Id.* Inside
 5 the locked suitcase, officers found a disassembled .223 caliber black polymer AR style personally made
 6 firearm bearing no required manufacturer markings with pop up sights and a Holosun optic, a loaded
 7 extended pistol magazine, a loaded rifle magazine, eleven M1000-type explosive devices, and another
 8 object that appeared to be a homemade explosive device wrapped in black wires. *Id.* ¶ 7. Due to a
 9 possible bomb threat, a portion of the 880 freeway was closed, and at approximately 3:30 am, the
 10 Alameda County Sheriff’s Office bomb squad disposed of the suspected explosive device. *Id.*

11 A subsequent search of the vehicle revealed a .40 caliber, personally made green polymer
 12 pistol, and an eyeglass case containing an additional suspected explosive. *Id.* ¶ 8. The bomb squad
 13 analyzed the eyeglass case and determined that it was intended to look like a victim-actuated “booby-
 14 trap.” The device was x-rayed and it was determined that the suspected explosive was not actually
 15 connected to the “mousetrap” or “resistors,” and the bomb squad was able to render the device safe. *Id.*
 16 During the search of the vehicle, officers also discovered five rounds of Hornady 40 S&W caliber
 17 ammunition, ten rounds of FC .223 caliber ammunition, seven rounds of Perfect .223 caliber
 18 ammunition, and six rounds of Aguila 9mm caliber ammunition. *Id.*

19 **B. Sentencing Guidelines**

20 The United States disagrees with Probation’s calculation of a total offense level of 14, which
 21 corresponds to a Sentencing Guidelines range of 27 to 33 months. The total offense level should be 12,
 22 which results in a sentencing guidelines range of 21 to 27 months.

23 The United States disagrees with the Probation that a two-level enhancement applies pursuant to
 24 USSG 2K2.1(b)(3)(B). The Sentencing Guidelines incorporates the definition of “destructive device”
 25 given in Title 26 United States Code Section 5845(f). Under Section 5845(f) a destructive device means
 26

27 (1) any explosive, incendiary, or poison gas (A) bomb, (B) grenade, (C) rocket . . . , (D) missile, .
 28 . . (E) mine, or (F) similar device (3) any combination of parts either designed to intended
 to for use in converting any device into a destructive device . . . The term “destructive device”

1 shall not include any device which is neither define nor redesigned for use as a weapon . . .

2 While M1000s are illegal explosives,¹ there is insufficient evidence that the M1000-type
3 devices seized from Mr. Bruce were designed or redesigned for use as a weapon. Likewise, there is
4 insufficient evidence regarding whether the other devices seized from the defendant are “similar” to the
5 per se destructive devices and/or if the component parts were “intended” to be converted into a
6 destructive device. Probation points to the fact that Alcohol Tobacco and Firearms (ATF) lab report
7 stated that the M1000 devices involved in this case contained an explosive mixture, but that alone is
8 insufficient to meet the definition of a “destructive device,” as defined by statute.
9

10 **III. DISCUSSION**

11 **A. Applicable Law**

12 The Court should impose a sentence sufficient, but not greater than necessary, to reflect the
13 purposes of sentencing that Congress identified in 18 U.S.C. § 3553(a)(2). *United States v. Carty*, 520
14 F.3d 984, 991 (9th Cir. 2008). The Court should begin the process of determining an appropriate
15 sentence by calculating the correct sentencing range under the Guidelines. *Id.* After determining the
16 appropriate Guidelines calculations, the Court should then evaluate the sentence for substantive
17 reasonableness in light of the factors set out in Section 3553(a). *Carty*, 520 F.3d at 991–93.

18 Under 18 U.S.C. § 3553(a), in arriving at the appropriate sentence for the defendant, the Court
19 should consider these factors applicable to this case, among others:

- 20 (1) the nature and circumstances of the offense and the history and
21 characteristics of the defendant;
- 22 (2) the need for the sentence imposed to reflect the seriousness of the
23 offense, to promote respect for the law, and to provide just
punishment for the offense;
- 24 (3) the need for the sentence imposed to afford adequate deterrence to
criminal conduct;
- 25 (4) the need to avoid unwarranted sentence disparities among
26 defendants with similar records who have been found guilty of
similar conduct;
- 27

28 ¹ See <https://www.atf.gov/explosives/illegal-explosives>

1 (5) the need to provide restitution to any victims of the offense.

2 **B. The Government Does Not Give a Specific Recommendation as to the Appropriate**
3 **Sentence**

4 As detailed in the PSR, Bruce's conduct in this case is extremely serious and goes beyond the
5 mere possession of ammunition. Law enforcement seized several homemade firearms from Bruce,
6 ammunition, and multiple explosive devices. The risk to public safety cannot be overstated. In fact, the
7 risk was so serious that a portion of the freeway was shut down for several hours while the bomb squad
8 could investigate. Bruce's conduct is also not an isolated incident. Bruce has a lengthy criminal history,
9 including convictions for possessing a firearm as a felon and possessing destructive devices. PSR ¶ 32,
10 35.

11 On the other hand, there are mitigating circumstances that warrant consideration by the Court.
12 Bruce appears to have a traumatic childhood, including involvement in a high-profile childcare/abuse
13 case. He also appears to have a significant drug abuse problem.

14 **IV. CONCLUSION**

15 With full consideration of all the sentencing factors set forth in 18 U.S.C. § 3553(a), the United
16 States respectfully does not make a specific recommendation as to the appropriate sentence of
17 imprisonment.

18
19 DATED: October 21, 2021

Respectfully submitted,

20 Stephanie M. Hinds
21 Acting United States Attorney

22 /s/Molly K. Priedeman
23 MOLLY K. PRIEDEMAN
24 Assistant United States Attorney
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